

Senate File 2245 - Introduced

SENATE FILE 2245
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 3051)

A BILL FOR

1 An Act providing a personal use exemption from licensing
2 requirements of the Meat and Poultry Inspection Act.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 189A.3, Code 2022, is amended to read as
2 follows:

3 **189A.3 License — fee.**

4 1. a. ~~No~~ A person shall not operate an establishment ~~other~~
5 ~~than a food establishment as defined in section 137F.1~~ without
6 first obtaining a license from the department.

7 b. Paragraph “a” does not apply to any of the following:

8 (1) A food establishment as defined in section 137F.1.

9 (2) A person who slaughters, processes, or prepares
10 livestock or poultry of the person’s own raising, exclusively
11 for the person’s household, nonpaying guests, or nonpaying
12 employees.

13 2. The license fee for each establishment per year or any
14 part of a year shall be:

15 a. For all meat and poultry slaughtered or otherwise
16 prepared not exceeding twenty thousand pounds per year for
17 sale, resale, or custom, twenty-five dollars.

18 b. For all meat and poultry slaughtered or otherwise
19 prepared in excess of twenty thousand pounds per year for sale,
20 resale, or custom, fifty dollars.

21 ~~2.~~ 3. The ~~funds~~ moneys shall be deposited with the
22 department. The license year shall be from July 1 to June
23 30. Applications for licenses shall be in writing on forms
24 prescribed by the department.

25 ~~3.~~ 4. It is the objective of this chapter to provide for
26 meat and poultry products inspection programs that will impose
27 and enforce requirements with respect to intrastate operations
28 and commerce that are at least equal to those imposed and
29 enforced under the federal Meat Inspection Act and the federal
30 Poultry Products Inspection Act with respect to operations
31 and transactions in interstate commerce; and the secretary
32 is directed to administer this chapter so as to accomplish
33 this purpose. A director of the meat and poultry inspection
34 service shall be designated as the secretary’s delegate to be
35 the appropriate state official to cooperate with the secretary

1 of agriculture of the United States in administration of this
2 chapter.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 BACKGROUND. This bill amends the "Meat and Poultry
7 Inspection Act" (Iowa Act), which is administered and enforced
8 by the department of agriculture and land stewardship (DALs)
9 and which regulates a business engaged in the slaughter of
10 livestock or poultry, the processing of the livestock or
11 poultry, and the preparation of meat products or poultry
12 products derived from those slaughtered animals. The meat or
13 poultry product is generically referred to as an "article".
14 DALs regulates these activities on an intrastate basis under
15 a cooperative agreement with the United States department
16 of agriculture (USDA), which administers and enforces two
17 complementary Acts (federal Acts): the federal Meat Inspection
18 Act as amended by the Wholesome Meat Act (21 U.S.C. chapter 12)
19 and the federal Poultry Products Inspection Act as amended by
20 the Wholesome Poultry Products Act (21 U.S.C. chapter 10). In
21 both cases, USDA regulates businesses engaged in interstate or
22 foreign commerce but may regulate any business if it determines
23 that the state enforcement of its statutes does not at least
24 equal federal enforcement of the federal Acts (Code section
25 189A.3(3)).

26 BILL'S PROVISIONS. The bill creates a personal use
27 exception to the licensing provisions in the Iowa Act for
28 livestock and poultry based on two such exemptions in the
29 federal Acts regarding the inspections. An existing provision
30 authorizes DALs to adopt rules providing a personal use
31 exemption to inspection requirements. Under the federal Meat
32 Inspection Act, the owner raising livestock must slaughter and
33 process the livestock; the prepared articles derived from the
34 processed livestock must be fit for human consumption; the
35 articles must be prepared, packaged, or held under sanitary

1 conditions; and the articles must be for the personal use
2 of the owner raising the livestock, a member of the owner's
3 household, or a nonpaying guest or employee. Under the federal
4 Poultry Products Inspection Act, similar requirements apply.
5 The owner or producer of poultry must slaughter and process
6 the poultry; the poultry must be healthy when slaughtered
7 and processed; the poultry must be slaughtered and processed
8 under sanitary conditions; the poultry product derived from
9 the slaughtered poultry must be for their private use, or the
10 private use of a member of their household or a nonpaying guest
11 or employee; the poultry product cannot be sold or donated; and
12 any shipping containing an article must include information
13 about the producer.